IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2573 of 2007()

C.C.393/05 ON THE FILE OF J.F.C.M COURT-II, PERAMBRA

PETITIONER:

N.V.LAXMANAN, AGED 54 YEARS,
S/O. CHATHUKUTTY NAIR,
P.O.CHIRAKKARA (VIA)
MANANTHAVADY, WYNAD DISTRICT.

BY ADV. SRI.SHAJI JOSEPH

RESPONDENTS:

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1. PUBLIC PROSECUTOR-REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

2. SATHEESHAN, S/O. GOVINDAN NAIR,
PUTHUKUDY, PANANGAD AMSOM,KOYILANDY TALUK,
KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2573 of 2007

Dated this the 10th day of August, 2007

O R D E R

There is no representation for the petitioner. The petition has been perused by me. The petitioner faces indictment in a prosecution under Section 420 I.P.C. The petitioner had entered appearance and had been enlarged on bail. But according to the petitioner, he could not appear on the subsequent date of posting as he was laid up. Reckoning the petitioner as an absconding accused, the learned Magistrate has now initiated coercive proceedings against the petitioner. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. According to the petitioner, he is absolutely innocent. His absence was not wilful or deliberate. He is willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances

under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-